

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

KEITH RUSSELL JUDD,)	
)	
Plaintiff,)	8:00CV161
)	
v.)	
)	
UNITED STATES OF AMERICA,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's notice of appeal (Filing No. 58) seeking to appeal the order of this Court filed on March 11, 2005 (Filing No. 57). The Court has again reviewed plaintiff's motion for relief from judgment dismissing 28 U.S.C. § 2255 proceeding and the Court's order of March 11, 2005, and finds that the issues raised by plaintiff are frivolous, and he will not be permitted to proceed on appeal *in forma pauperis*.

In his notice of appeal, he applies for a certificate of appealability. This certificate will not be issued as plaintiff has failed to make a substantial showing of the denial of a constitutional right as required by Title 28, U.S.C. § 2253(c)(2). For these reasons,

IT IS ORDERED that plaintiff's motion to appeal *in forma pauperis* is denied. No certificate of appealability shall issue.

DATED this 5th day of May, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court